

RESOLUTION NO. _____

A RESOLUTION OF NECESSITY BY THE COUNCIL OF THE CITY OF SANTA BARBARA FOR THE REAL PROPERTY AT 306 WEST ORTEGA STREET, ADJACENT ACCESS EASEMENT, AND ADJACENT PARKING EASEMENT, ALL LOCATED ON PORTIONS OF SANTA BARBARA COUNTY ASSESSOR'S PARCEL NUMBER 037-073-011

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES HEREBY DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. That on May 18, 2010, after fifteen days written notice to the owners of the property described hereafter, as they appeared on the last equalized County Assessment Roll, the City Council held a hearing for the purpose of allowing the owners thereof and other persons a reasonable opportunity to appear and be heard on the following matters:

- a. That the public interest and necessity require the proposed project;
- b. That the proposed project (identified as the Ortega Street Bridge Replacement Project, as depicted on City Plan No. C-1-4581, a copy of which is permanently on file at the Public Works Department of the City of Santa Barbara) is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury;
- c. That the property and easements described in the Resolution are necessary for the proposed project;
- d. That the offer required by Section 7267.2 of the California Government Code has been made to the owner or owners of record;
- e. That the proposed project has been evaluated in the Certified Lower Mission Creek Flood Control (LMCFC) Project Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (State Clearinghouse No. 1998101061) and an Addendum to the LMCFC Project EIS/EIR dated March 10, 2008, pursuant to the California Environmental Quality Act (CEQA). The Addendum indicates that no new significant impacts or changes in circumstances or regulations would be anticipated since the original EIS/EIR was certified; and,
- f. Such other and further matters as may be referred to in California Code of Civil Procedure §1245.230.

SECTION 2. That the Council of the City of Santa Barbara does hereby find, determine and declare that:

- a. The public interest and necessity require the proposed project;
- b. The proposed project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury;
- c. All the property and easements described in this Resolution are necessary for the proposed project;

d. The offer required by Section 7267.2 of the California Government Code has been made to the owner or owners of record (or the offer has not been made because the owner cannot be located with reasonable diligence); and

e. The proposed project was evaluated in the Certified Lower Mission Creek Flood Control (LMCFC) Project Environmental Impact Statement/Environmental Impact Report (EIS/EIR) (State Clearinghouse No. 1998101061) and an Addendum to the LMCFC Project EIS/EIR dated March 10, 2008, pursuant to the California Environmental Quality Act (CEQA). The certified EIS/EIR determined that there would be unavoidable impacts associated with the project. The Addendum indicates that no new significant impacts or changes in circumstances or regulations would be anticipated since the original EIS/EIR was certified

The taking of the real property and the easements described herein is authorized by Section 19 of Article I of the California Constitution, Section 37350.5 of the California Government Code, and Sections 1240.010 through 1240.125 of the California Code of Civil Procedure.

SECTION 3. That the Council of the City of Santa Barbara does hereby declare that it is the intention of said City to acquire said real property and said easements described herein in its name in accordance with the provisions of the laws of the State of California with reference to condemnation procedures.

SECTION 4. That the said real property is located in the City of Santa Barbara, County of Santa Barbara, State of California, as more particularly described on Exhibit A and depicted on Exhibit B, both attached hereto and incorporated herein; reserving to Grantor for the benefit of the remainder property, a permanent non-exclusive license for existing utilities servicing the remainder of the Real Property; provided, however, that City and its successors and assigns have the right to relocate the utility service lines so long as Grantor's utility services are maintained from available public utilities located within adjacent Ortega Street or Bath Street; and reserving to Grantor for the benefit of the remainder property, a non-exclusive easement for ingress and egress by vehicles and pedestrians, as described on Exhibit A and depicted on Exhibit B; and reserving to Grantor for the benefit of the remainder property, an exclusive easement for parking of lawfully registered and operable vehicles, as described on Exhibit A and depicted on Exhibit B.

SECTION 5. That the said easement for access is located in the City of Santa Barbara, County of Santa Barbara, State of California, as more particularly described on Exhibit C and depicted on Exhibit D, both attached hereto and incorporated herein, being a permanent non-exclusive appurtenant easement for ingress and egress, for the benefit of that portion of the Real Property granted in fee, as described herein on Exhibit A and depicted on Exhibit B.

SECTION 6. That the said easement for parking is located in the City of Santa Barbara, County of Santa Barbara, State of California, as more particularly described on Exhibit E and depicted on Exhibit F, both attached hereto and incorporated herein, being a permanent appurtenant exclusive easement for parking of lawfully registered and operable vehicles, for the sole and exclusive benefit of that portion of the Real Property granted in fee, as described herein on Exhibit A and depicted on Exhibit B.

SECTION 7. That the City Attorney is hereby authorized and directed to prepare, institute and prosecute in the name of the City, and is authorized to retain a law firm as Special Counsel for such proceedings, if necessary, in the proper Court having jurisdiction thereof, as may be necessary for the acquisition of the real property, the adjacent easement for parking, and the adjacent easement for access. Said counsel is also authorized and directed to obtain a necessary order of court granting to said City the right of immediate possession and occupancy of said real property and certain adjacent easements, and, at the discretion of the City Attorney, to approve and execute a settlement agreement or stipulated judgment vesting title to the real property and the easements described herein on terms and conditions approved by the City Attorney for the best interests of the City.

SECTION 8. That the Environmental Quality Control Act of 1970, as amended, and guidelines adopted pursuant thereto, have been complied with insofar as the above project is concerned by the preparation of the Addendum to the Certified Lower Mission Creek Flood Control (LMCFC) Project Environmental Impact Statement/Environmental Impact Report (SCH No. 1998101061, dated March 10, 2008), which is hereby approved and directed to be filed with the City Clerk.

Exhibit A
(Parcel 037-073-011-1)

037-073-011-1

That portion of land described in the deed to Mission Creek Properties, LLC, a Limited Liability Company recorded April 29, 2004 as Instrument No. 2004-0044757 of Official Records, in Block 196 of the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Commencing at the easterly corner of said Block 196, at the intersection of the southwesterly line of Bath Street with the northwesterly line of Ortega Street; thence along the northwesterly line of Ortega Street South 42°24'18" West, 53.09 feet to the True Point of Beginning of the land described herein; thence North 47°40'33" West, 37.82 feet; thence South 42°24'22" West, 97.81 feet to a point on the center line of Mission Creek being a point on the southerly line of said Mission Creek Property; thence along said center line South 72°17'46" East, 10.02 feet; thence continuing along said centerline South 68°10'11" East, 7.37 feet; thence continuing along said centerline South 64°17'52" East, 8.92 feet; thence continuing along said centerline North 85°55'12" East, 19.28 feet to a point on the northwesterly line of Ortega Street; thence along said northwesterly line of Ortega Street North 42°24'18" East, 74.55 feet to the point of beginning.

Containing an area of 3,357 square feet, more or less.

Reserving therefrom to Grantor for the benefit of the remainder property a non-exclusive easement for ingress and egress by vehicles and pedestrians over the northeasterly 5.80 feet as measured perpendicular to the northeasterly line of the land described herein.

Also reserving therefrom to Grantor for the benefit of the remainder property an exclusive easement for parking of lawfully registered and operable vehicles over that portion of said land described as follows:

Commencing at the point of beginning of the land described above; thence along the northeasterly line of said land North 47°40'33" West, 37.82 feet to the northerly corner of said land; thence along the northwesterly line of said land South 42°24'22" West, 17.78 feet to the True Point of Beginning of the portion of land herein described; thence continuing along said northwesterly line South 42°24'22" West, 9.43 feet; thence South 47°40'33" East 3.80 feet; thence North 42°24'22" East, 9.43 feet; thence North 47°40'33" West, 3.80 feet to the point of beginning.

APN: portion of 037-073-011

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: _____

Mark E. Reinhardt, PLS

Date: _____



EXHIBIT "B"

BATH

STREET

PROPOSED
5.8' WIDE
INGRESS/EGRESS
EASEMENT RESERVED
219 SF

N47°40'33"W
37.82'

P.O.C.

P.O.B.

PROPOSED
9.43'x3.80'
RESERVED
PARKING
36 SF

97.81'

S42°24'22"W

(037-073-011-1)

3,357 S.F.

74.55'

N42°24'18"E

RIGHT-OF-WAY

ORTEGA STREET



S68°10'11"E
7.37'

N85°55'12"E
19.28'

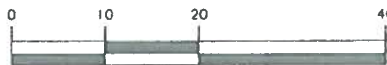
8.92'
S64°17'52"E

10.02'
S72°17'46"E



MNS
ENGINEERS INC
4050 Calle Real, Suite 110
Santa Barbara, CA 93110
805.692.6921 Phone

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1 inch = 20 ft.

Exhibit C
(Parcel 037-073-011-2)

037-073-011-2

That portion of land described in the deed to Mission Creek Properties, LLC, a Limited Liability Company recorded April 29, 2004 as Instrument No. 2004-0044757 of Official Records, in Block 196 of the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Commencing at the easterly corner of said Block 196, at the intersection of the southwesterly line of Bath Street with the northwesterly line of Ortega Street; thence along the northwesterly line of Ortega Street South 42°24'18" West, 53.09 feet to the True Point of Beginning of the land described herein; thence, North 47°40'33" West, 37.82 feet; thence South 42°24'18" West, 7.78 feet; thence North 47°29'44" West, 11.21 feet; thence South 42°30'16" West, 19.40 feet; thence North 47°32'53" West, 18.65 feet; thence North 42°14'18" East 30.73 feet; thence South 47°24'07" East 67.71 to a point on the northwesterly line of Ortega Street; thence along said northwesterly line South 42° 24'18" West 3.30 feet to the point of beginning.

Containing an area of 828 square feet, more or less.

APN: portion of 037-073-011

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

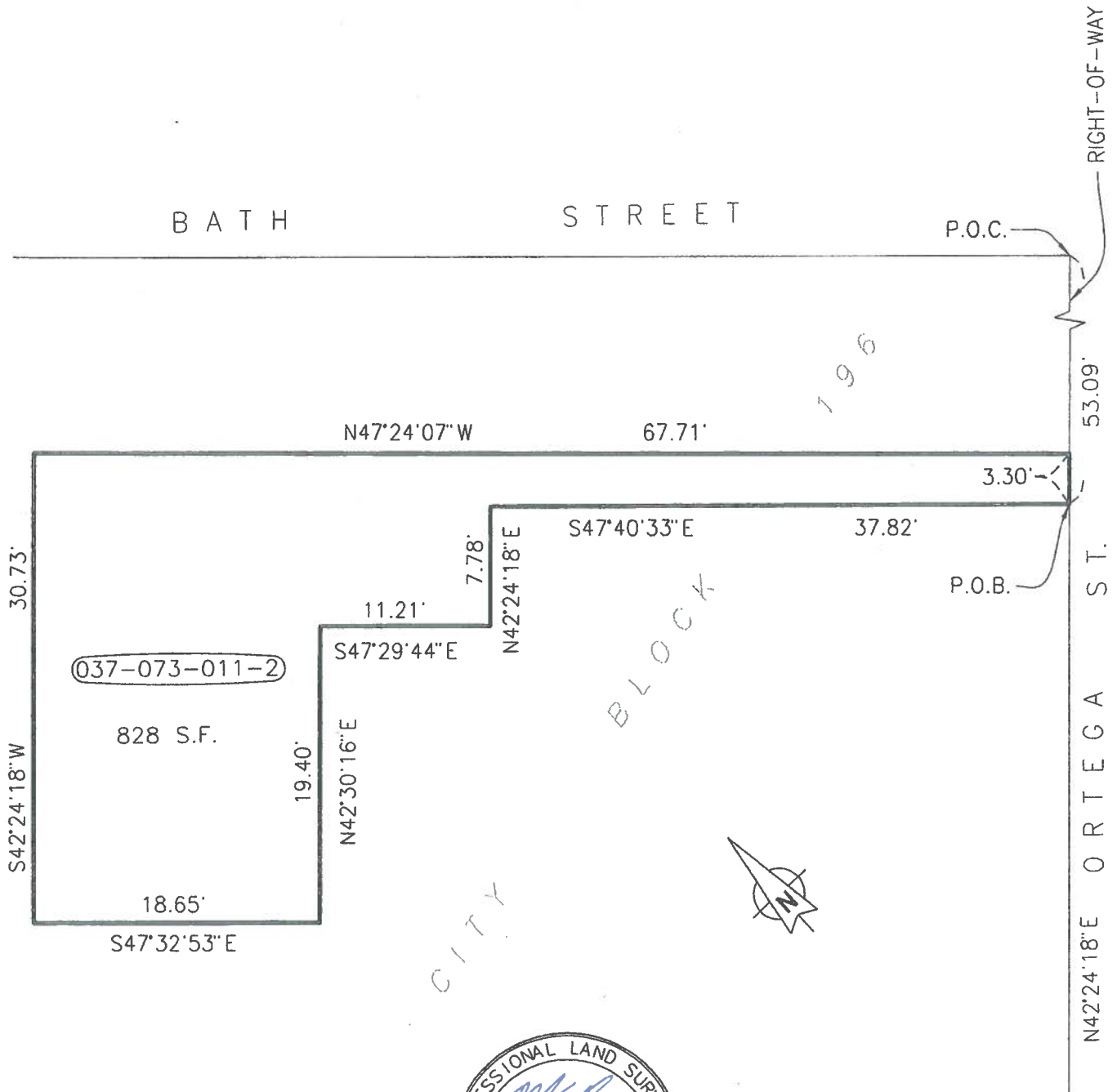
Signature: 

Mark E. Reinhardt, PLS

Date: 12-14-09



EXHIBIT "D"



037-073-011-2

828 S.F.



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1 inch = 10 ft.

Exhibit E
(Parcel 037-073-011-3)

037-073-011-3

That portion of land described in the deed to Mission Creek Properties, LLC, a Limited Liability Company recorded April 29, 2004 as Instrument No. 2004-0044757 of Official Records, in Block 196 of the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Commencing at the easterly corner of said Block 196, at the intersection of the southwesterly line of Bath Street with the northwesterly line of Ortega Street; thence along the northwesterly line of Ortega Street South 42°24'18" West, 53.09 feet; thence, North 47°40'33" West, 37.82 feet; thence South 42°24'18" West, 7.78 feet to the True Point of Beginning of the land described herein; thence South 42°24'18" West, 10.00 feet; thence North 47°29'44" West, 11.23 feet; thence North 42°30'16" East, 10.00 feet; thence South 47°29'44" East, 11.21 feet to the point of beginning.

Containing an area of 112 square feet, more or less.

APN: portion of 037-073-011

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature: 

Mark E. Reinhardt, PLS

Date: 12-14-09



EXHIBIT "F"

BATH

STREET

P.O.C.

RIGHT-OF-WAY

53.09'

S47°40'33"E

37.82'

P.O.B.

S47°29'44"E
11.21'

N42°30'16"E
10.00'

7.78'

S42°24'18"W
10.00'

11.23'

N47°29'44"W

PROPOSED
INGRESS/EGRESS
EASEMENT RESERVED

037-073-011-3

112 S.F.

S.T.

O R T E G A

N42°24'18"E

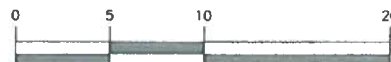


CITY



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1 inch = 10 ft.